

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Kay Carlquist, Robert Jurca, and Guy Pfalzgraff, along with Acting City Manager Glen Black and City Attorney Mike Schottelkotte. Absent was Councilmember Bill Seuell. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

**Pledge of Allegiance**

The Mayor led everyone present in the Pledge of Allegiance.

**Changes to the Agenda**

There were none.

**Minutes**

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to approve the minutes of October 6, 2009 regular meeting as submitted by the Clerk. All in favor, motion carried.

**Citizen Comments**

Lola Page, 247 Meeker Street, commented on the changes at the Senior Center.

**Financial Report**

Finance Director Tod DeZeeuw presented the financial report for the period ending September 31, 2009 and answered questions from Council.

**Club Liquor License Renewal: BPOE Lodge No. 1235**

City Clerk Jolene Nelson explained that BPOE Lodge No. 1235 has submitted their club liquor license renewal application. She stated that the application is complete and the renewal fees have been paid to the State and the City. The City's liquor occupation tax will be collected when the State license is issued. The Police Department has recommended renewal.

It was moved by Councilmember Carlquist and seconded by Councilmember Pfalzgraff to approve the club liquor license renewal for BPOE Lodge No. 1235. All in favor, motion carried.

**Tavern Liquor License Renewal: Wanda's Place**

The Clerk stated that Wanda's Place has submitted their tavern liquor license renewal. She reported that the application is complete and the renewal fees have been paid to the State and the City. The City's liquor occupation tax will be collected when the State license is issued. She also reported that the Police Department has recommended renewal.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Jurca to approve the tavern liquor license renewal for Wanda's Place. All in favor, motion carried.

**Hotel and Restaurant Liquor License Renewal: Leon's Mexican Restaurant**

The Clerk again stated that Leon's Mexican Restaurant has submitted their hotel and restaurant liquor license renewal. She reported that the application is complete and the renewal fees have been paid to the State and the City. The City's liquor occupation tax will be collected when the State license is issued. She also reported that the Police Department has recommended renewal.

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to approve the hotel and restaurant liquor license renewal for Leon's Mexican Restaurant. All in favor, motion carried.

## **Regular Meeting, Delta City Council, October 20, 2009 (Cont.)**

### **3.2% Beer Retail License: Safeway Store #1863**

The Clerk reported that Safeway Store #1863 has submitted their 3.2% beer retail license renewal. She reported that the application is complete and all fees have been paid to the State and the City. She also reported that the Police Department has recommended renewal.

It was moved by Councilmember Carlquist and seconded by Councilmember Pfalzgraff to approve the 3.2% beer retail license for Safeway Store #1863. All in favor, motion carried.

### **Retail Liquor Store License: Grand Valley Liquors**

The Clerk also reported that Grand Valley Liquors has submitted their retail liquor store license renewal. She reported that the application is complete and the renewal fees have been paid to the State and the City. The City's liquor occupation tax will be collected when the State license is issued. She also reported that the Police Department has recommended renewal.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Jurca to approve the retail liquor store license for Grand Valley Liquors. All in favor, motion carried.

### **Mobile Command Unit Donation**

Chief Robert Thomas recommended that Council donate the 1985 mobile command unit to the Delta County Sheriff's Department. He presented Council with the background of the unit. The vehicle has not been used in five years and it is not currently meeting the needs of the Delta Police Department.

Councilmember Pfalzgraff questioned if there would be any impact at all in the ability to perform the SWAT duties that would be required as necessary.

Chief Thomas stated that it would not. He explained how they are going to respond if they were to receive a call.

Councilmember Pfalzgraff also questioned if he felt that the response time would be sufficient in whatever is needed.

Chief Thomas assured Council that he felt the response time would be sufficient. He also stated that in the future he is planning to submit a grant for a new unit.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Carlquist to donate one 1985 mobile command unit to the Delta County Sheriff's Department. All in favor, motion carried.

### **Parade and Street Closure Permit: Delta Chamber of Commerce**

Acting City Manager Glen Black stated that the Chamber has submitted a parade permit for their annual parade of lights on December 4, 2009. He explained that staff does have some concerns that they will be working with the Chamber on. One of which is crowd control. At the last parade of lights a child's foot was ran over.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to approve the parade and street closure permit for the Delta Chamber of Commerce. All in favor, motion carried.

### **Medical Marijuana Dispensaries**

Acting City Manager Glen Black stated that the City of Delta currently has one dispensary that has opened for business. He presented Council with a brief explanation of the laws regarding medical marijuana. There are several medical marijuana dispensaries opening in the State of Colorado. He explained that there are no regulations governing the dispensaries. He also explained that Chief Thomas has recommended that Council develop an ordinance regulating these types of businesses.

Mr. Black stated that the following items should be discussed:

- Zone districts allowing dispensaries.
- Business license.
- Sales tax license.

**Regular Meeting, Delta City Council, October 20, 2009 (Cont.)**

**Medical Marijuana Dispensaries (cont.)**

- Auditing abilities.
- Any other restrictions that Council feels necessary.

Mr. Black reported that Attorney Michael Schottelkotte has prepared a moratorium on medical marijuana dispensaries. The moratorium could not be approved tonight; however, Council may consider approving this at the next meeting.

Mr. Black also reported that the City has been contacted by six (6) individuals that are interested in opening a dispensary.

Mayor Cooper questioned how many individuals hold medical marijuana cards in the area.

Mr. Black stated that he found a website that shows that information and it showed 85 individuals in Delta County. The law is very clear that they do have to have a medical marijuana prescription in order to purchase from these dispensaries.

Councilmember Pfalzgraff questioned if there is any state statute regarding the licensing or dispensing of medical marijuana.

Mr. Black stated that they have to be a care giver. He explained that these individuals are signing up as care givers and therefore able to possess and dispense medical marijuana.

Attorney Michael Schottelkotte stated that the only thing that is in place is the constitutional amendment. There has not been any movement in the state legislature to implement any legislation. Mr. Schottelkotte stated that at the time the City was being contacted by individuals wanting to open in Delta he proposed this moratorium so that staff and Council could have some time to review and possibly implement some kind of regulations.

Mayor Cooper stated that the Council Bill for the moratorium would need to be adopted at the next meeting with all five Councilmembers present.

Councilmember Carlquist questioned who issues the cards for the medical marijuana.

Mr. Black stated that the Colorado State Health Department does issue the cards.

Mr. Schottelkotte explained that the City does have a nuisance ordinance that he suggested might be able to temporally use that to assist in these types of businesses.

Councilmember Carlquist questioned if they would require a business license.

Mr. Black stated that they would require a business license with the proposed ordinance.

Councilmember Jurca stated that he would like to proceed with the moratorium so that they could discuss the regulations.

There was discussion regarding the moratorium and there was a consensus to present the Council Bill at the next meeting.

**Council Bill #8, 2009: First Reading**  
**Sexually Oriented Business**

Council Bill #8, 2009

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,  
AMENDING SECTIONS 8.32.020 AND 17.04.210 OF THE  
DELTA MUNICIPAL CODE FOR THE PURPOSE OF  
CLARIFYING REGULATIONS FOR THE ZONING OF SEXUALLY  
ORIENTED BUSINESSES.

was read by the Clerk.

Acting City Manager Glen Black explained that under section 8.32.020 this would remove the reference to the B-3 District. He also explained that under section 17.04.210 this would remove the use by right under the IR section.

**Regular Meeting, Delta City Council, October 20, 2009 (Cont.)**

**Council Bill #8, 2009; First Reading (cont.)**

Councilmember Carlquist questioned if this would only allow these type of businesses in the I01 or I-2 districts.

Mr. Glen stated that is correct.

It was moved by Councilmember Carlquist and seconded by Councilmember Pfalzgraff to adopt Council Bill #8, 2009 on first reading. Roll call vote: Councilmembers Jurca aye, Carlquist aye, Pfalzgraff aye and Cooper aye. Motion carried.

**City Attorney Comments**

There were none.

**City Manager Comments**

Acting City Manager Glen Black reported that staff will be getting the budget to Council next week.

Mr. Black stated that Chris Miller is present tonight and has some questions regarding the Horse Country Arena Committee. They want to know how Council wishes to proceed at this time.

Councilmember Carlquist and Mayor Cooper both stated that they would like to see the proposal and then have a work session.

Mr. Black also reported that the Chamber requested some funds for the program for shopping in Delta. There was a second part of the request that has not been paid. He questioned Council if they also wanting to pay the additional \$2000.

Councilmember Carlquist questioned if the second quarter payment for the BE was paid.

Mr. Black stated that it is his understanding it has not.

Mayor Cooper stated that she does not want to see a program like Delta Dollars.

Councilmember Jurca commented that if they are getting the second quarterly payment, there no reason to give the additional amount.

There was consensus amongst Council not to approve the additional \$2,000.

**Councilmember Comments**

Councilmember Pfalzgraff questioned where the process is at with the search of a city manager.

Mayor Cooper stated that she talked with Jeri Karsten, she has contacted Fred Rainguet and it will be about two weeks before he can start.

The meeting was adjourned at 7:39 p.m.

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Jolene E. Nelson, City Clerk